

**TOWN OF LOS GATOS  
CALIFORNIA  
TOWN COUNCIL/PARKING AUTHORITY  
JOINT REDEVELOPMENT AGENCY  
September 19, 2005/MINUTES  
Los Gatos Civic Center  
110 E. Main Street  
Los Gatos, CA 95030**

<b>TIME</b>	<b>ITEM</b>	<b>ACTION ON ITEM</b>
7:00 PM	<b>TOWN COUNCIL</b>	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town of Hall, 110 East Main Street, at 7:00 PM, September 6, 2005, <b>in a joint regular session.</b>
7:01 PM	<b>ROLL CALL</b>	Present: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector, and Mayor/Chairman Mike Wasserman  Absent: None
7:02 PM	<b>PLEDGE OF ALLEGIANCE</b>	The audience was invited to participate in the Pledge of Allegiance.
7:03 PM	<b>CLOSED SESSION</b>	CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6) Town Negotiator (Lead): Rumi Portillo, Human Resources Director Title: Police Officer's Association  <b>Mr. Korb</b> stated that direction was given and no action was taken.
7:04 PM	<b>BOARDS, COMMISSIONS, &amp; COMMITTEES APPOINTMENTS</b>	<b>PLANNING COMMISSION APPLICANTS:</b> <ul style="list-style-type: none"> <li>• John Bourgeois</li> <li>• Susan Gomez</li> <li>• Leigh Curtis</li> <li>• Richard Minert</li> <li>• Henry Redmond</li> <li>• Stephen Rice</li> </ul> <b>John Bourgeois</b> was appointed to the Planning Commission for the term ending December 31, 2005.

7:07 PM	<b>COMMENDATION</b>	<b>Mr. Wasserman</b> presented <b>Morris Trevithick</b> with a commendation for his dedication to the Planning Commission and his community values.
7:10 PM	<b>CONSENT ITEMS #1-9</b>  <b>ITEMS #7 and #9 WERE PULLED</b>	<u><b>TOWN COUNCIL</b></u>  <ol style="list-style-type: none"> <li>1. Ratify payroll for the month of August, 2005. (1-V)</li> <li>2. Ratify accounts payable for August, 2005 (2-V)</li> <li>3. Accept Treasurer's report for July, 2005. (3-2)</li> <li>4. Approve recommended Town Positions for the 2005 League of California Cities resolutions presented at the annual conference on October 6-8, 2005. (4-12).</li> <li>5. Adopt resolution approving the Management Compensation Plan for Fiscal Year 2005-06. <b>RESOLUTION 2005-99</b> (5-29)</li> <li>6. <u><b>Signal and Street Light Maintenance</b></u> Adopt resolution authorizing the Town Manager to execute a contract with Republic Electric to provide Signal and Street Maintenance services in the Town of Los Gatos. <b>RESOLUTION 2005-100</b> (6-41)</li> </ol> <u><b>REDEVELOPMENT AGENCY</b></u>  <ol style="list-style-type: none"> <li>8. Ratify accounts payable for August, 2005. (8-V)</li> </ol> <b>Motion by Mr. Glickman</b> to approve Consent Items #1-6, and #8. <b>Seconded by Mr. pirzynski.</b>
7:11 PM	<b>MAYOR CALLED THE QUESTION</b>	<b>Carried unanimously.</b>

7:12 PM	<p><b>CONSENT ITEMS #1-9 Continued</b></p> <p><b>PULLED ITEMS #7 and #9</b></p>	<p><b><u>TOWN COUNCIL</u></b></p> <p>7. Adopt resolution amending agreement between the Town of Los Gatos and the Town Attorney and authorizing the Mayor to sign amendment on behalf of the Town of Los Gatos. <b>RESOLUTION 2005-101 (7-29)</b></p> <p>9. Approve Council/Agency minutes of September 6, 2005. (9-V)</p> <p><b>Mr. Davis</b></p> <ul style="list-style-type: none"> <li>• Commented on the agreement between the Town of Los Gatos and the Town Attorney.</li> <li>• Commented on the minutes of September 6, 2005 regarding his statement relating to the Developmental Review Committee.</li> </ul> <p><b>Motion by Mr. Glickman to approve Consent Items #7 and #9. Seconded by Mrs. McNutt.</b></p>
7:16 PM	<b>MAYOR CALLED THE QUESTION</b>	<b>Carried unanimously.</b>
7:17 PM	<b>OPEN VERBAL COMMUNICATION</b>	<p><b>Mr. Davis</b></p> <ul style="list-style-type: none"> <li>• Commented on the City of Saratoga's Park Dedication Fee process and the formula for assessing Park Dedication Fees.</li> </ul> <p><b>Mr. Parfitt</b></p> <ul style="list-style-type: none"> <li>• Commented that he and his neighbors were against San Jose Water Company logging the watershed as part of the proposed Timberline Management Plan. The current plan includes the areas located near Old Santa Cruz Highway and extends to Summit Road.</li> </ul> <p><b>Mr. Tang, Assistant Engineer, San Jose Water Company</b></p> <ul style="list-style-type: none"> <li>• Commented on continuing to inform the neighbors as details and information become available.</li> <li>• Commented on postponing the time frame for the project due to concerns from the neighboring communities.</li> </ul>
7:34 PM	<b>CLOSE VERBAL COMMUNICATION</b>	

7:35 PM	<b>PUBLIC HEARINGS</b>  <b>ITEM # 10</b>  <b>119 ISABELLE COURT</b>	<b><u>ITEM #10</u></b>  Consider an appeal of a Planning Commission decision approving the construction of a new single family residence with a detached structure over 450 square feet in an area with a reduced setback on property zoned R-1:10. APN 532-13-069. Architecture and Site Application 5-05-072. Property location: 119 Isabelle Court. Property owner/applicant: Mr. Koupal & Ms. Abrams. Appellant: Ray Davis  Staff report made by <b>Mr. Lortz</b> .
7:38 PM	<b>APPELLANT</b>	<b>Mr. Davis</b> <ul style="list-style-type: none"> <li>• Commented that this project should conform to the General Plan, Infill Development Policy, and the Hillside standards.</li> <li>• Commented on split level homes throughout the neighborhood that step down the hillside.</li> <li>• Stated that the home's on Nina Court, Santa Maria and Pinto Court were compatible with the neighborhood</li> <li>• Stated that the General Plan should be the primary concern when any development occurs.</li> <li>• Commented on the "box style" of the proposed home at 119 Isabelle Court.</li> <li>• Commented that the Infill Development Plan had not been considered for this project.</li> <li>• Stated that he feels that the Hillside Development Standards should apply to this project.</li> </ul>
7:49 PM	<b>APPLICANTS</b>	<b>Ms. Abrams</b> <ul style="list-style-type: none"> <li>• Commented that the facts stated in the appeal are incorrect.</li> <li>• Stated that Mr. Davis does not live near the neighborhood.</li> </ul> <b>Mr. Koupal</b> <ul style="list-style-type: none"> <li>• Thanked staff for their service and commented that he is very happy with the services he has received from the Town of Los Gatos.</li> <li>• Commented on working with the neighbors to make sure they had no complaints regarding the project.</li> </ul>
7:54 PM	<b>OPEN PUBLIC HEARING</b>	<b>Ms. Nolan</b> <ul style="list-style-type: none"> <li>• Supports the project at 119 Isabelle Court.</li> <li>• Commented that the project was not located in an area that would be subject to the Hillside Standards.</li> </ul>

	<b>ITEM #10 Continued</b>  <b>PUBLIC HEARING</b>  <b>119 ISABELLE COURT</b>	<b>Scott Radonich</b> <ul style="list-style-type: none"><li>• Supports the project at 119 Isabelle Court.</li></ul>
7:57 PM	<b>CLOSED PUBLIC HEARING</b>	
7:57 PM	<b>APPLICANTS REBUTTAL</b>	<b>No comments.</b>
7:57 PM	<b>APPELLANTS REBUTTAL</b>	<b>Mr. Davis</b> <ul style="list-style-type: none"><li>• Stated that this R-1 lot should be part of the Hillside Standards.</li><li>• Stated that the house should be stepped up or down the slope.</li><li>• Commented that his interest in the project relates to the public interest regarding projects blending in with the mountain side.</li><li>• Commented on the elevation of the proposed home.</li></ul>
8:03 PM	<b>COUNCIL DISCUSSION</b>	<b>Motion by Mr. Glickman</b> to deny the appeal and uphold the Planning Commission decision to construct a single family residence at 119 Isabelle Court. <ul style="list-style-type: none"><li>• Motion to include the findings and conditions of approval, adopted by the Planning Commission and contained in the Town Council staff report dated September 19, 2005.</li><li>• The Council also finds that there was no error or abuse of discretion on the part of the Planning Commission.</li><li>• No new information was submitted to the Council during the appeal process that was not readily available for submission to the Commission.</li><li>• No issue or policy over which the Commission did not have discretion to modify or address therefore the Planning Commission acted appropriately.</li></ul>  <b>Seconded by Mr. Pirzynski.</b>

	<b>ITEM #10</b> <b>Continued</b>  <b>COUNCIL</b> <b>DISCUSSION</b>  <b>119 ISABELLE</b> <b>COURT</b>	<ul style="list-style-type: none"> <li>• Questioned if the Attorney and staff could develop a policy that would allow the appeal process to be cost effective.</li> <li>• Commented on protecting the Hillsides in the Town of Los Gatos.</li> <li>• Commented that all residents have the right to appeal a project.</li> </ul> <p><b>Consensus</b> given to request staff to follow-up with research of such a policy.</p>
8:10 PM	<b>MAYOR CALLED THE QUESTION</b>	<b>Carried unanimously.</b>
8:11 PM	<b>OTHER BUSINESS</b>  <b>ITEM #11</b>  <b>HOLIDAY</b> <b>DISPLAY</b>	<b>ITEM #11</b> <u>Holiday Display</u> <ul style="list-style-type: none"> <li>• Adoption of resolution accepting donation of holiday display.  <b>RESOLUTION 2005-102</b></li> <li>• Council direction to proceed with efforts to install the display on the Civic Center lawn for the upcoming holiday season</li> </ul> <p>Staff report made by <b>Debra Figone</b>.</p>
8:13 PM	<b>COUNCIL COMMENT</b>	<ul style="list-style-type: none"> <li>• Questioned if location of display could be changed to the Town Plaza.</li> <li>• Commented on the Sea Scouts help on up keep and set-up of the display.</li> </ul>
8:15 PM	<b>OPEN/CLOSE PUBLIC COMMENT</b>	
8:15 PM	<b>COUNCIL DISCUSSION</b>	<p><b>Motion</b> by <b>Mr. Wasserman</b> to adopt the resolution accepting the Holiday Display.  <b>Seconded</b> by <b>Mr. Glickman</b>.</p> <p>Direction was given to proceed with effort to install the holiday display on the Civic Center Lawn.</p>
8:17 PM	<b>MAYOR CALLED THE QUESTION</b>	<b>Carried unanimously.</b>

8:17 PM	<b>ITEM #12</b>  <b>COUNCIL MATTERS</b>  <b>DIRECTION ON ACCEPTING DONATION OF SKATE PARK EQUIPMENT FOR TEMPORARY USE.</b>	<b><u>ITEM #12</u></b>  <u>Council Matters</u> Council discussion of interest in accepting the donation of modular skateboard equipment from the Methodist Church for temporary use at the Miles Ave. parking lot location
8:20 PM	<b>COUNCIL COMMENT</b>	<ul style="list-style-type: none"> <li>• Questioned costs associated with the donation.</li> <li>• Commented on the pieces of equipment as temporary use until the concrete park is constructed.</li> <li>• Questioned release of liability.</li> <li>• Questioned installation, CUP process and Town involvement if the Town accepted the donation.</li> <li>• Questioned if the mitigated negative declaration study would need to be changed.</li> </ul>
8:26 PM	<b>OPEN PUBLIC COMMENT</b>	<b>Mr. Davis</b> <ul style="list-style-type: none"> <li>• Commented on using park dedication fees to fund the skate park project.</li> </ul> <b>Ms. Peth, Skate Park Fundraising Committee</b> <ul style="list-style-type: none"> <li>• Commented that this donation could be used as a temporary park until the concrete park is built.</li> <li>• Commented that the Los Gatos-Saratoga Recreation Department could partner with the Town.</li> </ul> <b>Ms. Ross</b> <ul style="list-style-type: none"> <li>• Commented on finding donations and professional help to move the equipment.</li> <li>• Asked if Council would consider accepting the equipment.</li> </ul>
8:34 PM	<b>CLOSE PUBLIC COMMENT</b>	

8:35 PM	<b>ITEM #12</b> <b>Continued</b>  <b>COUNCIL</b> <b>DISCUSSION</b>  <b>DIRECTION ON</b> <b>ACCEPTING</b> <b>DONATION OF</b> <b>SKATE PARK</b> <b>EQUIPMENT FOR</b> <b>TEMPORARY USE.</b>	<b>Mrs. Spector recused from the discussion due to the fact that she resides within 500 feet of the proposed location of the skate park.</b> <ul style="list-style-type: none"><li>• Commented on cost to maintain the equipment.</li><li>• Commented on duties if the recreation department was to supervise the temporary park.</li><li>• Commented that this style of equipment was soundly rejected during the skate park discussion meetings held last year.</li><li>• Questioned why they would like the equipment now.</li><li>• Commented on lack of skaters at the Campbell Skate Park who have the same type of equipment.</li></ul> <b>Consensus</b> not to support donation of the equipment to use as a temporary skate park.
8:47 PM	<b>ITEM #13</b>  <b>MANAGER</b> <b>MATTERS</b>	<b><u>ITEM #13</u></b>  <u>Manager Matters</u> None.
8:48 PM	<b>MEETING</b> <b>ADJOURNED</b>	

Submitted by:

Jackie D. Rose, Deputy Clerk

Attest:

MarLyn J. Rasmussen, Clerk Administrator  
Secretary to the Redevelopment Agency